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1                                    A bill to be entitled

2        An act relating to environmental protection; amending s.

3        403.413, F.S.; clarifying who is liable for dumping under

4        the Florida Litter Law; amending s. 403.4131, F.S.;

5        deleting the provisions relating to Keep Florida

6        Beautiful, Inc.; providing that certain counties are

7        encouraged to develop a regional approach to coordinating

8        litter control and prevention programs; deleting certain

9        requirements for a litter survey; placing the Wildflower

10       Advisory Council under the control of the Department of

11       Agriculture and Consumer Services; revising the duties of

12       the council; amending s. 403.41315, F.S.; conforming

13       provisions to changes made to the Keep Florida Beautiful,

14       Inc., program; amending s. 403.4133, F.S.; placing the

15       Adopt-a-Shore Program within the Department of

16       Environmental Protection; amending s. 320.08058, F.S.;

17       requiring that the proceeds of the fees paid for

18       Wildflower license plates be distributed to the Department

19       of Agriculture and Consumer Services; specifying uses of

20       the proceeds; transferring the balance of such proceeds

21       from Keep Florida Beautiful, Inc., to the Department of

22       Agriculture and Consumer Services; amending s. 403.703,

23       F.S.; reordering definitions in alphabetical order;

24       clarifying certain definitions and deleting definitions

25       that are not used; amending ss. 316.003, 377.709, and

26       487.048, F.S.; conforming cross-references; amending s.

27       403.704, F.S.; deleting certain obsolete provisions

28       relating to the state solid waste management program;

29       amending s. 403.7043, F.S.; deleting certain obsolete and

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conflicting provisions relating to compost standards;  
amending s. 403.7045, F.S.; providing that industrial  
byproducts are not regulated under certain circumstances;  
conforming a cross-reference; clarifying certain  
provisions governing dredged material; amending s.  
403.707, F.S.; clarifying the Department of Environmental  
Preservation's permit authority; deleting certain obsolete  
provisions; creating s. 403.7071, F.S.; providing for the  
management and disposal of storm-generated debris;  
amending s. 403.708, F.S.; deleting obsolete provisions  
and clarifying certain provisions governing landfills;  
amending s. 403.709, F.S.; revising the provisions  
relating to the distribution of the waste tire fees;  
amending s. 403.7095, F.S., relating to the solid waste  
management grant program; conforming a cross-reference;  
amending s. 403.7125, F.S.; deleting certain definitions  
that appear elsewhere in law and clarifying certain  
financial-disclosure provisions with respect to the  
closure of a landfill; amending s. 403.716, F.S.; deleting  
certain provisions relating to the training of certain  
facility operators; amending s. 403.717, F.S.; clarifying  
the provisions relating to waste tires and the processing  
of waste tires; transferring, renumbering, and amending s.  
403.7221, F.S.; increasing the duration of certain  
research, development, and demonstration permits; amending  
s. 403.201, F.S.; conforming a cross-reference; amending  
s. 403.722, F.S.; clarifying provisions relating to who is  
required to obtain certain hazardous waste permits;  
amending s. 403.7226, F.S.; deleting a provision requiring

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a report that is duplicative of other reports; amending s. 403.724, F.S.; clarifying certain financial-responsibility provisions; amending s. 403.7255, F.S.; providing additional requirements regarding the public notification of certain contaminated sites; amending s. 403.726, F.S.; authorizing the Department of Environmental Protection to issue an order to abate certain hazards; amending s. 403.7265, F.S.; requiring a local government to provide matching funds for certain grants; providing that matching funds are not required under certain conditions; repealing s. 403.7075, F.S., relating to the submission of certain plans for solid waste management facilities; repealing s. 403.756, F.S., relating to an annual used-oil report; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.--

(4) DUMPING LITTER PROHIBITED.--Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(a) In or on any public highway, road, street, alley, or

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thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;

(b) In or on any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(c) In or on any private property, unless prior consent of the owner has been given and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.

Section 2. Section 403.4131, Florida Statutes, is amended to read:

403.4131 Litter control; Wildflower Advisory Council ~~"Keep Florida Beautiful, Incorporated"; placement of signs.--~~

~~(1) It is the intent of the Legislature that a coordinated effort of interested businesses, environmental and civic organizations, and state and local agencies of government be developed to plan for and assist in implementing solutions to the litter and solid waste problems in this state and that the state provide financial assistance for the establishment of a nonprofit organization with the name of "Keep Florida Beautiful, Incorporated," which shall be registered, incorporated, and operated in compliance with chapter 617. This nonprofit organization shall coordinate the statewide campaign and operate as the grassroots arm of the state's effort and shall serve as an~~

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117 ~~umbrella organization for volunteer-based community programs. The~~  
 118 ~~organization shall be dedicated to helping Florida and its local~~  
 119 ~~communities solve solid waste problems, to developing and~~  
 120 ~~implementing a sustained litter prevention campaign, and to act~~  
 121 ~~as a working public private partnership in helping to implement~~  
 122 ~~the state's Solid Waste Management Act. As part of this effort,~~  
 123 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~  
 124 ~~Environmental Education Foundation, shall strive to educate~~  
 125 ~~citizens, visitors, and businesses about the important~~  
 126 ~~relationship between the state's environment and economy. Keep~~  
 127 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~  
 128 ~~identify economic incentives to improve environmental initiatives~~  
 129 ~~in the area of solid waste management. The membership of the~~  
 130 ~~board of directors of this nonprofit organization may include~~  
 131 ~~representatives of the following organizations: the Florida~~  
 132 ~~League of Cities, the Florida Association of Counties, the~~  
 133 ~~Governor's Office, the Florida Chapter of the National Solid~~  
 134 ~~Waste Management Association, the Florida Recyclers Association,~~  
 135 ~~the Center for Marine Conservation, Chapter of the Sierra Club,~~  
 136 ~~the Associated Industries of Florida, the Florida Soft Drink~~  
 137 ~~Association, the Florida Petroleum Council, the Retail Grocers~~  
 138 ~~Association of Florida, the Florida Retail Federation, the Pulp~~  
 139 ~~and Paper Association, the Florida Automobile Dealers~~  
 140 ~~Association, the Beer Industries of Florida, the Florida Beer~~  
 141 ~~Wholesalers Association, and the Distilled Spirits Wholesalers.~~  
 142 ~~(2) As a partner working with government, business, civic,~~  
 143 ~~environmental, and other organizations, Keep Florida Beautiful,~~  
 144 ~~Incorporated, shall strive to assist the state and its local~~  
 145 ~~communities by contracting for the development of a highly~~

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146 ~~visible antilitter campaign that, at a minimum, includes:~~

147 ~~(a) Coordinating with the Center for Marine Conservation~~  
148 ~~and the Center for Solid and Hazardous Waste Management to~~  
149 ~~identify components of the marine debris and litter stream and~~  
150 ~~groups that habitually litter.~~

151 ~~(b) Designing appropriate advertising to promote the proper~~  
152 ~~management of solid waste, with emphasis on educating groups that~~  
153 ~~habitually litter.~~

154 ~~(c) Fostering public awareness and striving to build an~~  
155 ~~environmental ethic in this state through the development of~~  
156 ~~educational programs that result in an understanding and in~~  
157 ~~action on the part of individuals and organizations about the~~  
158 ~~role they must play in preventing litter and protecting Florida's~~  
159 ~~environment.~~

160 ~~(d) Developing educational programs and materials that~~  
161 ~~promote the proper management of solid waste, including the~~  
162 ~~proper disposal of litter.~~

163 ~~(e) Administering grants provided by the state. Grants~~  
164 ~~authorized under this section shall be subject to normal~~  
165 ~~department audit procedures and review.~~

166 (1)~~(3)~~ The Department of Transportation shall establish an  
167 "adopt-a-highway" program to allow local organizations to be  
168 identified with specific highway cleanup and highway  
169 beautification projects authorized under s. 339.2405 ~~and shall~~  
170 ~~coordinate such efforts with Keep Florida Beautiful, Inc. The~~  
171 ~~department shall report to the Governor and the Legislature on~~  
172 ~~the progress achieved and the savings incurred by the "adopt-a-~~  
173 ~~highway" program. The department shall also monitor and report on~~  
174 ~~compliance with provisions of the adopt-a-highway program to~~

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ensure that organizations that participate in the program comply with the goals identified by the department.

(2)~~(4)~~ The Department of Transportation shall place signs discouraging litter at all off-ramps of the interstate highway system in the state. ~~The department shall place other highway signs as necessary to discourage littering through use of the antilitter program developed by Keep Florida Beautiful, Incorporated.~~

(3)~~(5)~~ Each county is encouraged to initiate a litter control and prevention program or to expand upon its existing program. The department shall establish a system of grants for municipalities and counties to implement litter control and prevention programs. In addition to the activities described in subsection (1), such grants shall at a minimum be used for litter cleanup, grassroots educational programs involving litter removal and prevention, and the placement of litter and recycling receptacles. Counties are encouraged to form working public private partnerships as authorized under this section to implement litter control and prevention programs at the community level. The grants authorized pursuant to this section shall be incorporated as part of the recycling and education grants. Counties that have a population under 100,000 ~~75,000~~ are encouraged to develop a regional approach to administering and coordinating their litter control and prevention programs.

~~(6) The department may contract with Keep Florida Beautiful, Incorporated, to help carry out the provisions of this section. All contracts authorized under this section are subject to normal department audit procedures and review.~~

~~(7) In order to establish continuity for the statewide~~

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~~program, those local governments and community programs receiving grants for litter prevention and control must use the official State of Florida litter control or campaign symbol adopted by Keep Florida Beautiful, Incorporated, for use on various receptacles and program material.~~

~~(8) The Legislature establishes a litter reduction goal of 50 percent reduction from the period January 1, 1994, to January 1, 1997. The method of determination used to measure the reduction in litter is the survey conducted by the Center for Solid and Hazardous Waste Management. The center shall consider existing litter survey methodologies.~~

~~(9) The Department of Environmental Protection shall contract with the Center for Solid and Hazardous Waste Management for an ongoing annual litter survey, the first of which is to be conducted by January 1, 1994. The center shall appoint a broad-based work group not to exceed seven members to assist in the development and implementation of the survey. Representatives from the university system, business, government, and the environmental community shall be considered by the center to serve on the work group. Final authority on implementing and conducting the survey rests with the center. The first survey is to be designed to serve as a baseline by measuring the amount of current litter and marine debris, and is to include a methodology for measuring the reduction in the amount of litter and marine debris to determine the progress toward the litter reduction goal established in subsection (8). Annually thereafter, additional surveys are to be conducted and must also include a methodology for measuring the reduction in the amount of litter and for determining progress toward the litter reduction goal established~~



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~~in subsection (8).~~

(4) ~~(10)~~ (a) There is created within the Department of Agriculture and Consumer Services ~~within Keep Florida Beautiful, Inc.,~~ the Wildflower Advisory Council, consisting of a maximum of ten ~~nine~~ members ~~to direct and oversee the expenditure of the Wildflower Account.~~ The Wildflower Advisory Council shall include a representative from the University of Florida Institute of Food and Agricultural Sciences, the Florida Department of Transportation, the Department of Agriculture and Consumer Services, ~~and~~ the Florida Department of Environmental Protection, the Florida League of Cities, and the Florida Association of Counties. Other members of the committee may include representatives from the Florida Federation of Garden Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the American Society of Landscape Architects, Inc., and a representative of the Master Gardener's Program.

(b) The Wildflower Advisory Council shall advise the Department of Agriculture and Consumer Services and develop procedures of operation, research contracts, educational and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses. The council shall also make recommendations to the department concerning ~~the final determination of~~ what constitutes acceptable species of wildflowers and other plantings supported by these programs.

Section 3. Section 403.41315, Florida Statutes, is amended to read:

403.41315 Comprehensive illegal dumping, litter, and marine debris control and prevention.--

(1) The Legislature finds that a comprehensive illegal

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dumping, litter, and marine debris control and prevention program is necessary to protect the beauty and the environment of Florida. The Legislature also recognizes that a comprehensive illegal dumping, litter, and marine debris control and prevention program will have a positive effect on the state's economy. The Legislature finds that the state's rapid population growth, the ever-increasing mobility of its population, and the large number of tourists contribute to the need for a comprehensive illegal dumping, litter, and marine debris control and prevention program. The Legislature further finds that the program must be coordinated and capable of having statewide identity and grassroots community support.

(2) The comprehensive illegal dumping, litter, and marine debris control and prevention program at a minimum must include the following:

(a) A local ~~statewide~~ public awareness and educational campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~ to educate individuals, government, businesses, and other organizations concerning the role they must assume in preventing and controlling litter.

(b) Enforcement provisions authorized under s. 403.413.

(c) Enforcement officers whose responsibilities include grassroots education along with enforcing litter and illegal dumping violations.

(d) Local illegal dumping, litter, and marine debris control and prevention programs operated at the county level with emphasis placed on grassroots educational programs designed to prevent and remove litter and marine debris.

(e) A statewide adopt-a-highway program as authorized under

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s. 403.4131.

(f) The highway beautification program authorized under s. 339.2405.

(g) A statewide Adopt-a-Shore program that includes beach, river, and lake shorelines and emphasizes litter and marine debris cleanup and prevention.

(h) The prohibition of balloon releases as authorized under s. 372.995.

(i) The placement of approved identifiable litter and recycling receptacles.

(j) Other educational programs that are implemented at the grassroots level ~~coordinated through Keep Florida Beautiful, Inc.,~~ involving volunteers and community programs that clean up and prevent litter, including Youth Conservation Corps activities.

Section 4. Section 403.4133, Florida Statutes, is amended to read:

403.4133 Adopt-a-Shore Program.--

(1) The Legislature finds that litter and illegal dumping present a threat to the state's wildlife, environment, and shorelines. The Legislature further finds that public awareness and education will assist in preventing litter from being illegally deposited along the state's shorelines.

(2) The Adopt-a-Shore Program shall be created within the Department of Environmental Protection ~~nonprofit organization referred to in s. 403.4131(1), named Keep Florida Beautiful, Incorporated.~~ The program shall be designed to educate the state's citizens and visitors about the importance of litter prevention and shall include approaches and techniques to remove

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litter from the state's shorelines.

(3) For the purposes of this section, the term "shoreline" includes, but is not limited to, beaches, rivershores, and lakeshores.

Section 5. Subsection (28) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(28) FLORIDA WILDFLOWER LICENSE PLATES.--

(a) The department shall develop a Florida Wildflower license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "State Wildflower" and "coreopsis" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Department of Agriculture and Consumer Services, to be used for the purposes set forth in ~~Wildflower Account established by Keep Florida Beautiful, Inc., created by s. 403.4131.~~ The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in this state. A maximum of 10 percent of the proceeds from the sale of such plates may be used for administrative costs.

Section 6. All unexpended proceeds of fees paid for Wildflower license plates which are held by Keep Florida Beautiful, Inc., must be transferred to the Department of Agriculture and Consumer Services promptly after the effective date of this act.

Section 7. Section 403.703, Florida Statutes, is amended to read:

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(Substantial rewording of section. See

s. 403.703, F.S., for present text.)

403.703 Definitions.--As used in this part, the term:

(1) "Ash residue" has the same meaning as in the department rule governing solid waste combustors which defines the term.

(2) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(3) "Biomedical waste" means any solid waste or liquid waste that may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste that contains human-disease-causing agents; discarded disposable sharps; human blood and human blood products and body fluids; and other materials that in the opinion of the Department of Health represent a significant risk of infection to persons outside the generating facility. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(4) "Clean debris" means any solid waste that is virtually inert, that is not a pollution threat to groundwater or surface waters, that is not a fire hazard, and that is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the department.

(5) "Closure" means the cessation of operation of a solid

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waste management facility and the act of securing such facility  
so that it will pose no significant threat to human health or the  
environment and includes long-term monitoring and maintenance of  
a facility if required by department rule.

(6) "Construction and demolition debris" means discarded  
materials generally considered to be not water-soluble and  
nonhazardous in nature, including, but not limited to, steel,  
glass, brick, concrete, asphalt roofing material, pipe, gypsum  
wallboard, and lumber, from the construction or destruction of a  
structure as part of a construction or demolition project or from  
the renovation of a structure, and includes rocks, soils, tree  
remains, trees, and other vegetative matter that normally results  
from land clearing or land-development operations for a  
construction project, including such debris from construction of  
structures at a site remote from the construction or demolition  
project site. Mixing of construction and demolition debris with  
other types of solid waste will cause the resulting mixture to be  
classified as other than construction and demolition debris. The  
term also includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps  
from a construction project.

(b) Except as provided in s. 403.707(9)(j), yard trash and  
unpainted, nontreated wood scraps from sources other than  
construction or demolition projects.

(c) Scrap from manufacturing facilities which is the type  
of material generally used in construction projects and which  
would meet the definition of construction and demolition debris  
if it were generated as part of a construction or demolition  
project. This includes debris from the construction of

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manufactured homes and scrap shingles, wallboard, siding  
concrete, and similar materials from industrial or commercial  
facilities.

(d) De minimis amounts of other nonhazardous wastes that  
are generated at construction or destruction projects, provided  
such amounts are consistent with best management practices of the  
industry.

(7) "County," or any like term, means a political  
subdivision of the state established pursuant to s. 1, Art. VIII  
of the State Constitution and, when s. 403.706(19) applies, means  
a special district or other entity.

(8) "Department" means the Department of Environmental  
Protection or any successor agency performing a like function.

(9) "Disposal" means the discharge, deposit, injection,  
dumping, spilling, leaking, or placing of any solid waste or  
hazardous waste into or upon any land or water so that such solid  
waste or hazardous waste or any constituent thereof may enter  
other lands or be emitted into the air or discharged into any  
waters, including groundwaters, or otherwise enter the  
environment.

(10) "Generation" means the act or process of producing  
solid or hazardous waste.

(11) "Guarantor" means any person, other than the owner or  
operator, who provides evidence of financial responsibility for  
an owner or operator under this part.

(12) "Hazardous substance" means any substance that is  
defined as a hazardous substance in the United States  
Comprehensive Environmental Response, Compensation, and Liability  
Act of 1980, 94 Stat. 2767.

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436       (13) "Hazardous waste" means solid waste, or a combination  
437 of solid wastes, which, because of its quantity, concentration,  
438 or physical, chemical, or infectious characteristics, may cause,  
439 or significantly contribute to, an increase in mortality or an  
440 increase in serious irreversible or incapacitating reversible  
441 illness or may pose a substantial present or potential hazard to  
442 human health or the environment when improperly transported,  
443 disposed of, stored, treated, or otherwise managed. The term does  
444 not include human remains that are disposed of by persons  
445 licensed under chapter 497.

446       (14) "Hazardous waste facility" means any building, site,  
447 structure, or equipment at or by which hazardous waste is  
448 disposed of, stored, or treated.

449       (15) "Hazardous waste management" means the systematic  
450 control of the collection, source separation, storage,  
451 transportation, processing, treatment, recovery, recycling, and  
452 disposal of hazardous wastes.

453       (16) "Land disposal" means any placement of hazardous waste  
454 in or on the land and includes, but is not limited to, placement  
455 in a landfill, surface impoundment, waste pile, injection well,  
456 land treatment facility, salt bed formation, salt dome formation,  
457 or underground mine or cave, or placement in a concrete vault or  
458 bunker intended for disposal purposes.

459       (17) "Landfill" means any solid waste land disposal area  
460 for which a permit, other than a general permit, is required by  
461 s. 403.707 and which receives solid waste for disposal in or upon  
462 land. The term does not include a landspreading site, an  
463 injection well, a surface impoundment, or a facility for the  
464 disposal of construction and demolition debris.



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(18) "Manifest" means the recordkeeping system used for identifying the concentration, quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, storage, or treatment.

(19) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(20) "Municipality," or any like term, means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution and, when s. 403.706(19) applies, means a special district or other entity.

(21) "Operation," with respect to any solid waste management facility, means the disposal, storage, or processing of solid waste at and by the facility.

(22) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of this state or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(23) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

(24) "Recovered materials" means metal, paper, glass,

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plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste.

(25) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of s. 403.7045(1)(e).

(26) "Recyclable material" means those materials that are capable of being recycled and that would otherwise be processed or disposed of as solid waste.

(27) "Recycling" means any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(28) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

(29) "Resource recovery equipment" means equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste.

(30) "Sludge" includes the accumulated solids, residues, and precipitates generated as a result of waste treatment or

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processing, including wastewater treatment, water-supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

(31) "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (24) are not solid waste.

(32) "Solid waste disposal facility" means any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

(33) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program, which includes closure.

(34) "Solid waste management facility" means any solid waste disposal area, volume-reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities that meet the requirements of s. 403.7046, except the portion of such

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552 facilities, if any, which is used for the management of solid  
553 waste.

554 (35) "Source separated" means that the recovered materials  
555 are separated from solid waste at the location where the  
556 recovered materials and solid waste are generated. The term does  
557 not require that various types of recovered materials be  
558 separated from each other, and recognizes de minimis solid waste,  
559 in accordance with industry standards and practices, may be  
560 included in the recovered materials. Materials are not considered  
561 source-separated when two or more types of recovered materials  
562 are deposited in combination with each other in a commercial  
563 collection container located where the materials are generated  
564 and when such materials contain more than 10 percent solid waste  
565 by volume or weight. For purposes of this subsection, the term  
566 "various types of recovered materials" means metals, paper,  
567 glass, plastic, textiles, and rubber.

568 (36) "Special wastes" means solid wastes that can require  
569 special handling and management, including, but not limited to,  
570 white goods, waste tires, used oil, lead-acid batteries,  
571 construction and demolition debris, ash residue, yard trash, and  
572 biological wastes.

573 (37) "Storage" means the containment or holding of a  
574 hazardous waste, either on a temporary basis or for a period of  
575 years, in such a manner as not to constitute disposal of such  
576 hazardous waste.

577 (38) "Transfer station" means a site the primary purpose of  
578 which is to store or hold solid waste for transport to a  
579 processing or disposal facility.

580 (39) "Transport" means the movement of hazardous waste from

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the point of generation or point of entry into the state to any  
offsite intermediate points and to the point of offsite ultimate  
disposal, storage, treatment, or exit from the state.

(40) "Treatment," when used in connection with hazardous  
waste, means any method, technique, or process, including  
neutralization, which is designed to change the physical,  
chemical, or biological character or composition of any hazardous  
waste so as to neutralize it or render it nonhazardous, safe for  
transport, amenable to recovery, amenable to storage or disposal,  
or reduced in volume or concentration. The term includes any  
activity or processing that is designed to change the physical  
form or chemical composition of hazardous waste so as to render  
it nonhazardous.

(41) "Volume reduction plant" includes incinerators,  
pulverizers, compactors, shredding and baling plants, composting  
plants, and other plants that accept and process solid waste for  
recycling or disposal.

(42) "White goods" includes inoperative and discarded  
refrigerators, ranges, water heaters, freezers, and other similar  
domestic and commercial large appliances.

(43) "Yard trash" means vegetative matter resulting from  
landscaping maintenance and land clearing operations and includes  
associated rocks and soils.

Section 8. Subsection (69) of section 316.003, Florida  
Statutes, is amended to read:

316.003 Definitions.--The following words and phrases, when  
used in this chapter, shall have the meanings respectively  
ascribed to them in this section, except where the context  
otherwise requires:

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(69) HAZARDOUS MATERIAL.--Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703(13) ~~s. 403.703(21)~~.

Section 9. Paragraph (f) of subsection (2) of section 377.709, Florida Statutes, is amended to read:

377.709 Funding by electric utilities of local governmental solid waste facilities that generate electricity.--

(2) DEFINITIONS.--As used in this section, the term:

(f) "Solid waste facility" means a facility owned or operated by, or on behalf of, a local government for the purpose of disposing of solid waste, as that term is defined in s. 403.703(31) ~~s. 403.703(13)~~, by any process that produces heat and incorporates, as a part of the facility, the means of converting heat to electrical energy in amounts greater than actually required for the operation of the facility.

Section 10. Subsection (1) of section 487.048, Florida Statutes, is amended to read:

487.048 Dealer's license; records.--

(1) Each person holding or offering for sale, selling, or distributing restricted-use pesticides shall obtain a dealer's license from the department. Application for the license shall be made on a form prescribed by the department. The license must be obtained before entering into business or transferring ownership of a business. The department may require examination or other proof of competency of individuals to whom licenses are issued or of individuals employed by persons to whom licenses are issued.

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Demonstration of continued competency may be required for license renewal, as set by rule. The license shall be renewed annually as provided by rule. An annual license fee not exceeding \$250 shall be established by rule. However, a user of a restricted-use pesticide may distribute unopened containers of a properly labeled pesticide to another user who is legally entitled to use that restricted-use pesticide without obtaining a pesticide dealer's license. The exclusive purpose of distribution of the restricted-use pesticide is to keep it from becoming a hazardous waste as defined in s. 403.703(13) ~~s. 403.703(21)~~.

Section 11. Section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.--The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:

(1) Develop and implement, in consultation with local governments, a state solid waste management program, as defined in s. 403.705, ~~and update the program at least every 3 years. In developing rules to implement the state solid waste management program, the department shall hold public hearings around the state and shall give notice of such public hearings to all local governments and regional planning agencies.~~

(2) Provide technical assistance to counties, municipalities, and other persons, and cooperate with appropriate federal agencies and private organizations in carrying out the provisions of this act.

(3) Promote the planning and application of recycling and resource recovery systems which preserve and enhance the quality

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of the air, water, and other natural resources of the state and assist in and encourage, where appropriate, the development of regional solid waste management facilities.

(4) Serve as the official state representative for all purposes of the federal Solid Waste Disposal Act, as amended by Pub. L. No. 91-512, or as subsequently amended.

(5) Use private industry or the State University System through contractual arrangements for implementation of some or all of the requirements of the state solid waste management program and for such other activities as may be considered necessary, desirable, or convenient.

(6) Encourage recycling and resource recovery as a source of energy and materials.

(7) Assist in and encourage, as much as possible, the development within the state of industries and commercial enterprises which are based upon resource recovery, recycling, and reuse of solid waste.

~~(8) Charge reasonable fees for any services it performs pursuant to this act, provided user fees shall apply uniformly within each municipality or county to all users who are provided with solid waste management services.~~

~~(9) Acquire, at its discretion, personal or real property or any interest therein by gift, lease, or purchase for the purpose of providing sites for solid waste management facilities.~~

~~(10) Acquire, construct, reconstruct, improve, maintain, equip, furnish, and operate, at its discretion, such solid waste management facilities as are called for by the state solid waste management program.~~

~~(11) Receive funds or revenues from the sale of products,~~



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697 ~~materials, fuels, or energy in any form derived from processing~~  
 698 ~~of solid waste by state owned or state operated facilities, which~~  
 699 ~~funds or revenues shall be deposited into the Solid Waste~~  
 700 ~~Management Trust Fund.~~

701       (8)~~(12)~~ Determine by rule the facilities, equipment,  
 702 personnel, and number of monitoring wells to be provided at each  
 703 ~~Class I~~ solid waste disposal area.

704       ~~(13) Encourage, but not require, as part of a Class II~~  
 705 ~~solid waste disposal area, a potable water supply; an employee~~  
 706 ~~shelter; handwashing and toilet facilities; equipment washout~~  
 707 ~~facilities; electric service for operations and repairs;~~  
 708 ~~equipment shelter for maintenance and storage of parts,~~  
 709 ~~equipment, and tools; scales for weighing solid waste received at~~  
 710 ~~the disposal area; a trained equipment operator in full-time~~  
 711 ~~attendance during operating hours; and communication facilities~~  
 712 ~~for use in emergencies. The department may require an attendant~~  
 713 ~~at a Class II solid waste disposal area during the hours of~~  
 714 ~~operation if the department affirmatively demonstrates that such~~  
 715 ~~a requirement is necessary to prevent unlawful fires,~~  
 716 ~~unauthorized dumping, or littering of nearby property.~~

717       ~~(14) Require a Class II solid waste disposal area to have~~  
 718 ~~at least one monitoring well which shall be placed adjacent to~~  
 719 ~~the site in the direction of groundwater flow unless otherwise~~  
 720 ~~exempted by the department. The department may require additional~~  
 721 ~~monitoring wells not farther than 1 mile from the site if it is~~  
 722 ~~affirmatively demonstrated by the department that a significant~~  
 723 ~~change in the initial quality of the water has occurred in the~~  
 724 ~~downstream monitoring well which adversely affects the beneficial~~  
 725 ~~uses of the water. These wells may be public or private water~~

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~~supply wells if they are suitable for use in determining  
background water quality levels.~~

(9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this act, including requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities and requirements for, and conditions on, solid waste disposal in this state, whether such solid waste is generated within this state or outside this state as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable provisions of law. When classifying solid waste management facilities, the department shall consider the hydrogeology of the site for the facility, the types of wastes to be handled by the facility, and methods used to control the types of waste to be handled by the facility and shall seek to minimize the adverse effects of solid waste management on the environment. Whenever the department adopts any rule stricter or more stringent than one which has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed. The department shall not, however, adopt hazardous waste rules for solid waste for which special studies were required prior to October 1, 1988, under s. 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies are completed by the United States Environmental Protection Agency and the information is available to the department for consideration in adopting its own rule.

(10)~~(16)~~ Issue or modify permits on such conditions as are necessary to effect the intent and purposes of this act, and may deny or revoke permits.

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~~(17) Conduct research, using the State University System, solid waste professionals from local governments, private enterprise, and other organizations, on alternative, economically feasible, cost-effective, and environmentally safe solid waste management and landfill closure methods which protect the health, safety, and welfare of the public and the environment and which may assist in developing markets and provide economic benefits to local governments, the state, and its citizens, and solicit public participation during the research process. The department shall incorporate such cost-effective landfill closure methods in the appropriate department rule as alternative closure requirements.~~

(11)~~(18)~~ Develop and implement or contract for services to develop information on recovered materials markets and strategies for market development and expansion for use of these materials. Additionally, the department shall maintain a directory of recycling businesses operating in the state and shall serve as a coordinator to match recovered materials with markets. Such directory shall be made available to the public and to local governments to assist with their solid waste management activities.

~~(19) Authorize variances from solid waste closure rules adopted pursuant to this part, provided such variances are applied for and approved in accordance with s. 403.201 and will not result in significant threats to human health or the environment.~~

(12)~~(20)~~ Establish accounts and deposit to the Solid Waste Management Trust Fund and control and administer moneys it may withdraw from the fund.

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784        (13)~~(21)~~ Manage a program of grants, using funds from the  
785 Solid Waste Management Trust Fund and funds provided by the  
786 Legislature for solid waste management, for programs for  
787 recycling, composting, litter control, and special waste  
788 management and for programs which provide for the safe and proper  
789 management of solid waste.

790        (14)~~(22)~~ Budget and receive appropriated funds and accept,  
791 receive, and administer grants or other funds or gifts from  
792 public or private agencies, including the state and the Federal  
793 Government, for the purpose of carrying out the provisions of  
794 this act.

795        (15)~~(23)~~ Delegate its powers, enter into contracts, or take  
796 such other actions as may be necessary to implement this act.

797        (16)~~(24)~~ Receive and administer funds appropriated for  
798 county hazardous waste management assessments.

799        (17)~~(25)~~ Provide technical assistance to local governments  
800 and regional agencies to ensure consistency between county  
801 hazardous waste management assessments; coordinate the  
802 development of such assessments with the assistance of the  
803 appropriate regional planning councils; and review and make  
804 recommendations to the Legislature relative to the sufficiency of  
805 the assessments to meet state hazardous waste management needs.

806        (18)~~(26)~~ Increase public education and public awareness of  
807 solid and hazardous waste issues by developing and promoting  
808 statewide programs of litter control, recycling, volume  
809 reduction, and proper methods of solid waste and hazardous waste  
810 management.

811        (19)~~(27)~~ Assist the hazardous waste storage, treatment, or  
812 disposal industry by providing to the industry any data produced

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on the types and quantities of hazardous waste generated.

~~(20)(28)~~ Institute a hazardous waste emergency response program which would include emergency telecommunication capabilities and coordination with appropriate agencies.

~~(21)(29)~~ Promulgate rules necessary to accept delegation of the hazardous waste management program from the Environmental Protection Agency under the Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616.

~~(22)(30)~~ Adopt rules, if necessary, to address the incineration and disposal of biomedical waste and the management of biological waste within the state, whether such waste is generated within this state or outside this state, as long as such requirements and conditions are not based on the out-of-state origin of the waste and are consistent with applicable provisions of law.

Section 12. Section 403.7043, Florida Statutes, is amended to read:

403.7043 Compost standards and applications.--

(1) In order to protect the state's land and water resources, compost produced, utilized, or disposed of by the composting process at solid waste management facilities in the state must meet criteria established by the department.

(2) The department shall ~~Within 6 months after October 1, 1988, the department shall initiate rulemaking to establish and maintain rules addressing~~ standards for the production of compost ~~and shall complete and promulgate those rules within 12 months after initiating the process of rulemaking,~~ including rules establishing:

(a) Requirements necessary to produce hygienically safe

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compost products for varying applications.

(b) A classification scheme for compost based on~~+~~ the types of waste composted, ~~including at least one type containing only yard trash~~, the maturity of the compost, ~~including at least three degrees of decomposition for fresh, semimature, and mature~~, and the levels of organic and inorganic constituents in the compost. This scheme shall address:

1. Methods for measurement of the compost maturity.
2. Particle sizes.
3. Moisture content.
4. Average levels of organic and inorganic constituents, including heavy metals, for such classes of compost as the department establishes, and the analytical methods to determine those levels.

~~(3) Within 6 months after October 1, 1988, the department shall initiate rulemaking to prescribe the allowable uses and application rates of compost and shall complete and promulgate those rules within 12 months after initiating the process of rulemaking, based on the following criteria:~~

~~(a) The total quantity of organic and inorganic constituents, including heavy metals, allowed to be applied through the addition of compost to the soil per acre per year.~~

~~(b) The allowable uses of compost based on maturity and type of compost.~~

~~(4) If compost is produced which does not meet the criteria prescribed by the department for agricultural and other use, the compost must be reprocessed or disposed of in a manner approved by the department, unless a different application is specifically permitted by the department.~~

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~~(5) The provisions of s. 403.706 shall not prohibit any county or municipality which has in place a memorandum of understanding or other written agreement as of October 1, 1988, from proceeding with plans to build a compost facility.~~

Section 13. Subsections (1), (2), and (3) of section 403.7045, Florida Statutes, are amended to read:

403.7045 Application of act and integration with other acts.--

(1) The following wastes or activities shall not be regulated pursuant to this act:

(a) Byproduct material, source material, and special nuclear material, the generation, transportation, disposal, storage, or treatment of which is regulated under chapter 404 or under the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923, as amended;

(b) Suspended solids and dissolved materials in domestic sewage effluent or irrigation return flows or other discharges which are point sources subject to permits pursuant to provisions of this chapter or pursuant to s. 402 of the Clean Water Act, Pub. L. No. 95-217;

(c) Emissions to the air from a stationary installation or source regulated under provisions of this chapter or under the Clean Air Act, Pub. L. No. 95-95;

(d) Drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas which are regulated under chapter 377; or

(e) Recovered materials or recovered materials processing facilities shall not be regulated pursuant to this act, except as

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provided in s. 403.7046, if:

1. A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within 1 year.

2. The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria is caused.

3. The recovered materials handled by the facility are not hazardous wastes as defined under s. 403.703, and rules promulgated pursuant thereto.

4. The facility is registered as required in s. 403.7046.

(f) Industrial byproducts, if:

1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within 1 year.

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment such that a threat of contamination in excess of applicable department standards and criteria or a significant threat to public health is caused.

3. The industrial byproducts are not hazardous wastes as



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defined under s. 403.703 and rules adopted under this section.

(2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~, the following wastes shall not be regulated as a hazardous waste pursuant to this act, except when determined by the United States Environmental Protection Agency to be a hazardous waste:

(a) Ashes and scrubber sludges generated from the burning of boiler fuel for generation of electricity or steam.

(b) Agricultural and silvicultural byproduct material and agricultural and silvicultural process waste from normal farming or processing.

(c) Discarded material generated by the mining and beneficiation and chemical or thermal processing of phosphate rock, and precipitates resulting from neutralization of phosphate chemical plant process and nonprocess waters.

(3) The following wastes or activities shall be regulated pursuant to this act in the following manner:

(a) Dredged material that is generated as part of a project permitted under part IV of chapter 373 or chapter 161, or that is authorized to be removed from sovereign submerged lands under chapter 253, Dredge spoil or fill material shall be managed in accordance with the conditions of that permit or authorization unless the dredged material is regulated as hazardous waste pursuant to this part ~~disposed of pursuant to a dredge and fill permit, but whenever hazardous components are disposed of within the dredge or fill material, the dredge and fill permits shall specify the specific hazardous wastes contained and the concentration of each such waste. If the dredged material contains hazardous substances, the department may further then~~ limit or restrict the sale or use of the dredged ~~dredge and fill~~

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material and may specify such other conditions relative to this material as are reasonably necessary to protect the public from the potential hazards.

(b) Hazardous wastes that ~~which~~ are contained in artificial recharge waters or other waters intentionally introduced into any underground formation and that ~~which~~ are permitted pursuant to s. 373.106 shall also be handled in compliance with the requirements and standards for disposal, storage, and treatment of hazardous waste under this act.

(c) Solid waste or hazardous waste facilities that ~~which~~ are operated as a part of the normal operation of a power generating facility and which are licensed by certification pursuant to the Florida Electrical Power Plant Siting Act, ss. 403.501-403.518, shall undergo such certification subject to the substantive provisions of this act.

(d) Biomedical waste and biological waste shall be disposed of only as authorized by the department. However, any person who unknowingly disposes into a sanitary landfill or waste-to-energy facility any such waste that ~~which~~ has not been properly segregated or separated from other solid wastes by the generating facility is not guilty of a violation under this act. ~~Nothing in~~ This paragraph does not ~~shall be construed to~~ prohibit the department from seeking injunctive relief pursuant to s. 403.131 to prohibit the unauthorized disposal of biomedical waste or biological waste.

Section 14. Section 403.707, Florida Statutes, is amended to read:

403.707 Permits.--

(1) A ~~No~~ solid waste management facility may not be

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987 operated, maintained, constructed, expanded, modified, or closed  
 988 without an appropriate and currently valid permit issued by the  
 989 department. The department may, by rule, exempt specified types  
 990 of facilities from the requirement for a permit if it determines  
 991 that construction for operation of the facility is not expected  
 992 to create any significant threat to the environment or public  
 993 health. For purposes of this part, and only when specified by  
 994 department rule, a permit may include registrations as well as  
 995 other forms of licenses as defined in s. 120.52. Solid waste  
 996 construction permits issued under this section may include any  
 997 permit conditions necessary to achieve compliance with the  
 998 recycling requirements of this act. The department shall pursue  
 999 reasonable timeframes for closure and construction requirements,  
 1000 considering pending federal requirements and implementation costs  
 1001 to the permittee. The department shall adopt a rule establishing  
 1002 performance standards for construction and closure of solid waste  
 1003 management facilities. The standards shall allow flexibility in  
 1004 design and consideration for site-specific characteristics.  
 1005       (2) Except as provided in s. 403.722(6), no permit under  
 1006 this section is required for the following, provided that the  
 1007 activity shall not create a public nuisance or any condition  
 1008 adversely affecting the environment or public health and shall  
 1009 not violate other state or local laws, ordinances, rules,  
 1010 regulations, or orders:  
 1011       (a) Disposal by persons of solid waste resulting from their  
 1012 own activities on their own property, provided such waste is  
 1013 either ordinary household waste from their residential property  
 1014 or is rocks, soils, trees, tree remains, and other vegetative  
 1015 matter that ~~which~~ normally result from land development

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operations. Disposal of materials that ~~which~~ could create a public nuisance or adversely affect the environment or public health, such as: white goods; automotive materials, such as batteries and tires; petroleum products; pesticides; solvents; or hazardous substances, is not covered under this exemption.

(b) Storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, or property subject to a homeowners or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.

(c) Disposal by persons of solid waste resulting from their own activities on their property, provided the environmental effects of such disposal on groundwater and surface waters are:

1. Addressed or authorized by a site certification order issued under part II or a permit issued by the department pursuant to this chapter or rules adopted pursuant thereto; or

2. Addressed or authorized by, or exempted from the requirement to obtain, a groundwater monitoring plan approved by the department.

(d) Disposal by persons of solid waste resulting from their own activities on their own property, provided that such disposal occurred prior to October 1, 1988.

(e) Disposal of solid waste resulting from normal farming operations as defined by department rule. Polyethylene agricultural plastic, damaged, nonsalvageable, untreated wood pallets, and packing material that cannot be feasibly recycled, which are used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, may be

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disposed of by open burning, provided that no public nuisance or any condition adversely affecting the environment or the public health is created thereby and that state or federal ambient air quality standards are not violated.

(f) The use of clean debris as fill material in any area. However, this paragraph does not exempt any person from obtaining any other required permits, nor does it affect a person's responsibility to dispose of clean debris appropriately if it is not to be used as fill material.

(g) Compost operations that produce less than 50 cubic yards of compost per year when the compost produced is used on the property where the compost operation is located.

(3) All applicable provisions of ss. 403.087 and 403.088, relating to permits, apply to the control of solid waste management facilities.

(4) When application for a construction permit for a Class I ~~or Class II~~ solid waste disposal area is made, it is the duty of the department to provide a copy of the application, within 7 days after filing, to the water management district having jurisdiction where the area is to be located. The water management district may prepare an advisory report as to the impact on water resources. This report shall contain the district's recommendations as to the disposition of the application and shall be submitted to the department no later than 30 days prior to the deadline for final agency action by the department. However, the failure of the department or the water management district to comply with the provisions of this subsection shall not be the basis for the denial, revocation, or remand of any permit or order issued by the department.

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1074           (5)   The department may not issue a construction permit  
1075 pursuant to this part for a new solid waste landfill within 3,000  
1076 feet of Class I surface waters.

1077           (6)   The department may issue a construction permit pursuant  
1078 to this part only to a solid waste management facility that  
1079 provides the conditions necessary to control the safe movement of  
1080 wastes or waste constituents into surface or ground waters or the  
1081 atmosphere and that will be operated, maintained, and closed by  
1082 qualified and properly trained personnel. Such facility must if  
1083 necessary:

1084           (a)   Use natural or artificial barriers which are capable of  
1085 controlling lateral or vertical movement of wastes or waste  
1086 constituents into surface or ground waters.

1087           (b)   Have a foundation or base that is capable of providing  
1088 support for structures and waste deposits and capable of  
1089 preventing foundation or base failure due to settlement,  
1090 compression, or uplift.

1091           (c)   Provide for the most economically feasible, cost-  
1092 effective, and environmentally safe control of leachate, gas,  
1093 stormwater, and disease vectors and prevent the endangerment of  
1094 public health and the environment.

1095  
1096 Open fires, air-curtain incinerators, or trench burning may not  
1097 be used as a means of disposal at a solid waste management  
1098 facility, unless permitted by the department under s. 403.087.

1099           (7)   Prior to application for a construction permit, an  
1100 applicant shall designate to the department temporary backup  
1101 disposal areas or processes for the resource recovery facility.  
1102 Failure to designate temporary backup disposal areas or processes

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shall result in a denial of the construction permit.

(8) The department may refuse to issue a permit to an applicant who by past conduct in this state has repeatedly violated pertinent statutes, rules, or orders or permit terms or conditions relating to any solid waste management facility and who is deemed to be irresponsible as defined by department rule. For the purposes of this subsection, an applicant includes the owner or operator of the facility, or if the owner or operator is a business entity, a parent of a subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than 50 percent of the stock of the corporation.

~~(9) Before or on the same day of filing with the department of an application for any construction permit for the incineration of biomedical waste which the department may require by rule, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper~~

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~~authorized to publish legal notices in that county. The notice shall contain:~~

~~(a) The name of the applicant and a brief description of the facility and its location.~~

~~(b) The location of the application file and when it is available for public inspection.~~

~~The notice shall be prepared by the applicant and shall comply with the following format:~~

~~Notice of Application~~

~~The Department of Environmental Protection announces receipt of an application for a permit from (name of applicant) to (brief description of project). This proposed project will be located at (location) in (county) (city).~~

~~This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at (name and address of office).~~

~~(10) A permit, which the department may require by rule, for the incineration of biomedical waste, may not be transferred by the permittee to any other entity, except in conformity with the requirements of this subsection.~~

~~(a) Within 30 days after the sale or legal transfer of a permitted facility, the permittee shall file with the department an application for transfer of the permits on such form as the~~



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~~department shall establish by rule. The form must be completed with the notarized signatures of both the transferring permittee and the proposed permittee.~~

~~(b) The department shall approve the transfer of a permit unless it determines that the proposed permittee has not provided reasonable assurances that the proposed permittee has the administrative, technical, and financial capability to properly satisfy the requirements and conditions of the permit, as determined by department rule. The determination shall be limited solely to the ability of the proposed permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of the permit conditions. If the department proposes to deny the transfer, it shall provide both the transferring permittee and the proposed permittee a written objection to such transfer together with notice of a right to request a proceeding on such determination under chapter 120.~~

~~(c) Within 90 days after receiving a properly completed application for transfer of a permit, the department shall issue a final determination. The department may toll the time for making a determination on the transfer by notifying both the transferring permittee and the proposed permittee that additional information is required to adequately review the transfer request. Such notification shall be provided within 30 days after receipt of an application for transfer of the permit, completed pursuant to paragraph (a). If the department fails to take action to approve or deny the transfer within 90 days after receipt of the completed application or within 90 days after receipt of the last item of timely requested additional information, the transfer shall be deemed approved.~~

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1190       ~~(d) The transferring permittee is encouraged to apply for a~~  
1191 ~~permit transfer well in advance of the sale or legal transfer of~~  
1192 ~~a permitted facility. However, the transfer of the permit shall~~  
1193 ~~not be effective prior to the sale or legal transfer of the~~  
1194 ~~facility.~~

1195       ~~(e) Until the transfer of the permit is approved by the~~  
1196 ~~department, the transferring permittee and any other person~~  
1197 ~~constructing, operating, or maintaining the permitted facility~~  
1198 ~~shall be liable for compliance with the terms of the permit.~~  
1199 ~~Nothing in this section shall relieve the transferring permittee~~  
1200 ~~of liability for corrective actions that may be required as a~~  
1201 ~~result of any violations occurring prior to the legal transfer of~~  
1202 ~~the permit.~~

1203       ~~(11) The department shall review all permit applications~~  
1204 ~~for any designated Class I solid waste disposal facility. As used~~  
1205 ~~in this subsection, the term "designated Class I solid waste~~  
1206 ~~disposal facility" means any facility that is, as of May 12,~~  
1207 ~~1993, a solid waste disposal facility classified as an active~~  
1208 ~~Class I landfill by the department, that is located in whole or~~  
1209 ~~in part within 1,000 feet of the boundary of any municipality,~~  
1210 ~~but that is not located within any county with an approved~~  
1211 ~~charter or consolidated municipal government, is not located~~  
1212 ~~within any municipality, and is not operated by a municipality.~~  
1213 ~~The department shall not permit vertical expansion or horizontal~~  
1214 ~~expansion of any designated Class I solid waste disposal facility~~  
1215 ~~unless the application for such permit was filed before January~~  
1216 ~~1, 1993, and no solid waste management facility may be operated~~  
1217 ~~which is a vertical expansion or horizontal expansion of a~~  
1218 ~~designated Class I solid waste disposal facility. As used in this~~

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1219 ~~subsection, the term "vertical expansion" means any activity that~~  
 1220 ~~will result in an increase in the height of a designated Class I~~  
 1221 ~~solid waste disposal facility above 100 feet National Geodetic~~  
 1222 ~~Vertical Datum, except solely for closure, and the term~~  
 1223 ~~"horizontal expansion" means any activity that will result in an~~  
 1224 ~~increase in the ground area covered by a designated Class I solid~~  
 1225 ~~waste disposal facility, or if within 1 mile of a designated~~  
 1226 ~~Class I solid waste disposal facility, any new or expanded~~  
 1227 ~~operation of any solid waste disposal facility or area, or of~~  
 1228 ~~incineration of solid waste, or of storage of solid waste for~~  
 1229 ~~more than 1 year, or of composting of solid waste other than yard~~  
 1230 ~~trash.~~

1231       (9)~~(12)~~ The department shall establish a separate category  
 1232 for solid waste management facilities which accept only  
 1233 construction and demolition debris for disposal or recycling. The  
 1234 department shall establish a reasonable schedule for existing  
 1235 facilities to comply with this section to avoid undue hardship to  
 1236 such facilities. However, a permitted solid waste disposal unit  
 1237 that ~~which~~ receives a significant amount of waste prior to the  
 1238 compliance deadline established in this schedule shall not be  
 1239 required to be retrofitted with liners or leachate control  
 1240 systems. Facilities accepting materials defined in s.  
 1241 403.703(6)(b) ~~s. 403.703(17)(b)~~ must implement a groundwater  
 1242 monitoring system adequate to detect contaminants that may  
 1243 reasonably be expected to result from such disposal prior to the  
 1244 acceptance of those materials.

1245       (a) The department shall establish reasonable construction,  
 1246 operation, monitoring, recordkeeping, financial assurance, and  
 1247 closure requirements for such facilities. The department shall

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take into account the nature of the waste accepted at various facilities when establishing these requirements, and may impose less stringent requirements, including a system of general permits or registration requirements, for facilities that accept only a segregated waste stream which is expected to pose a minimal risk to the environment and public health, such as clean debris. The Legislature recognizes that incidental amounts of other types of solid waste are commonly generated at construction or demolition projects. In any enforcement action taken pursuant to this section, the department shall consider the difficulty of removing these incidental amounts from the waste stream.

(b) The department shall not require liners and leachate collection systems at individual facilities unless it demonstrates, based upon the types of waste received, the methods for controlling types of waste disposed of, the proximity of groundwater and surface water, and the results of the hydrogeological and geotechnical investigations, that the facility is reasonably expected to result in violations of groundwater standards and criteria otherwise.

(c) The owner or operator shall provide financial assurance for closing of the facility in accordance with the requirements of s. 403.7125. The financial assurance shall cover the cost of closing the facility and 5 years of long-term care after closing, unless the department determines, based upon hydrogeologic conditions, the types of wastes received, or the groundwater monitoring results, that a different long-term care period is appropriate. However, unless the owner or operator of the facility is a local government, the escrow account described in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial

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1277 assurance mechanism.

1278       (d) The department shall establish training requirements

1279 for operators of facilities, and shall work with the State

1280 University System or other providers to assure that adequate

1281 training courses are available. The department shall also assist

1282 the Florida Home Builders Association in establishing a component

1283 of its continuing education program to address proper handling of

1284 construction and demolition debris, including best management

1285 practices for reducing contamination of the construction and

1286 demolition debris waste stream.

1287       (e) The issuance of a permit under this subsection does not

1288 obviate the need to comply with all applicable zoning and land

1289 use regulations.

1290       (f) A permit is not required under this section for the

1291 disposal of construction and demolition debris on the property

1292 where it is generated, but such property must be covered, graded,

1293 and vegetated as necessary when disposal is complete.

1294       (g) It is the policy of the Legislature to encourage

1295 facilities to recycle. The department shall establish criteria

1296 and guidelines that encourage recycling where practical and

1297 provide for the use of recycled materials in a manner that

1298 protects the public health and the environment. Facilities are

1299 authorized to recycle, provided such activities do not conflict

1300 with such criteria and guidelines.

1301       (h) The department shall ensure that the requirements of

1302 this section are applied and interpreted consistently throughout

1303 the state. In accordance with s. 20.255, the Division of Waste

1304 Management shall direct the district offices and bureaus on

1305 matters relating to the interpretation and applicability of this

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section.

(i) The department shall provide notice of receipt of a permit application for the initial construction of a construction and demolition debris disposal facility to the local governments having jurisdiction where the facility is to be located.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a hearing prior to December 31, 2006 ~~1996~~, that some or all of the wood material described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction of such county. The county may make such a determination only if it finds that, prior to June 1, 2006 ~~1996~~, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2006 ~~1996~~. The county shall not be required to hold a hearing if the county represents that it previously has held a hearing for such purpose, nor shall the county be required to hold a hearing if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and if the county further represents that such materials include those materials described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall provide written notice of its

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1335 determination to the department by no later than December 31,  
 1336 2006 ~~1996~~; thereafter, the wood materials described in s.  
 1337 403.703(6)(b) ~~s. 403.703(17)(b)~~ shall be excluded from the  
 1338 definition of "construction and demolition debris" in s.  
 1339 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction of such county.

1340 The county may withdraw or revoke its determination at any time  
 1341 by providing written notice to the department.

1342 (k) Brazilian pepper and other invasive exotic plant  
 1343 species as designated by the department resulting from  
 1344 eradication projects may be processed at permitted construction  
 1345 and demolition debris recycling facilities or disposed of at  
 1346 permitted construction and demolition debris disposal facilities  
 1347 or Class III facilities. The department may adopt rules to  
 1348 implement this paragraph.

1349 (10) ~~(13)~~ If the department and a local government  
 1350 independently require financial assurance for the closure of a  
 1351 privately owned solid waste management facility, the department  
 1352 and that local government shall enter into an interagency  
 1353 agreement that will allow the owner or operator to provide a  
 1354 single financial mechanism to cover the costs of closure ~~and any~~  
 1355 ~~required long term care~~. The financial mechanism may provide for  
 1356 the department and local government to be cobeneficiaries or  
 1357 copayees, but shall not impose duplicative financial requirements  
 1358 on the owner or operator. These closure costs must include at  
 1359 least the minimum required by department rules and must also  
 1360 include any additional costs required by local ordinance or  
 1361 regulation.

1362 (11) ~~(14)~~ Before or on the same day of filing with the  
 1363 department of an application for a permit to construct or

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substantially modify a solid waste management facility, the applicant shall notify the local government having jurisdiction over the facility of the filing of the application. The applicant also shall publish notice of the filing of the application in a newspaper of general circulation in the area where the facility will be located. Notice shall be given and published in accordance with applicable department rules. The department shall not issue the requested permit until the applicant has provided the department with proof that the notices required by this subsection have been given. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other law, rules, or ordinances.

(12)~~(15)~~ Construction and demolition debris must be separated from the solid waste stream and segregated in separate locations at a solid waste disposal facility or other permitted site.

(13)~~(16)~~ No facility, solely by virtue of the fact that it uses processed yard trash or clean wood or paper waste as a fuel source, shall be considered to be a solid waste disposal facility.

Section 15. Section 403.7071, Florida Statutes, is created to read:

403.7071 Management of storm-generated debris.--Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(1) The Department of Environmental Protection may issue field authorizations for staging areas in those counties affected by a storm event. Such staging areas may be used for the



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1393 temporary storage and management of storm-generated debris,  
 1394 including the chipping, grinding, or burning of vegetative  
 1395 debris. Field authorizations may be requested by providing a  
 1396 notice to the local office of the department containing a  
 1397 description of the design and operation of the staging area; the  
 1398 location of the staging area; and the name, address, and  
 1399 telephone number of the site manager. Field authorizations also  
 1400 may be issued by the department staff without prior notice.  
 1401 Written records of all field authorizations shall be created and  
 1402 maintained by department staff. Field authorizations may include  
 1403 specific conditions for the operation and closure of the staging  
 1404 area and shall include a required closure date. A local  
 1405 government shall avoid locating a staging area in wetlands and  
 1406 other surface waters to the greatest extent possible, and the  
 1407 area that is used or affected by a staging area must be fully  
 1408 restored upon cessation of use of the area.

1409 (2) Storm-generated vegetative debris managed at a staging  
 1410 area may be disposed of in a permitted lined or unlined landfill,  
 1411 a permitted land clearing debris facility, or a permitted  
 1412 construction and demolition debris disposal facility. Vegetative  
 1413 debris may also be managed at a permitted waste processing  
 1414 facility or a registered yard trash processing facility.

1415 (3) Construction and demolition debris that is mixed with  
 1416 other storm-generated debris need not be segregated from other  
 1417 solid waste prior to disposal in a lined landfill. Construction  
 1418 and demolition debris that is source-separated or is separated  
 1419 from other hurricane-generated debris at an authorized staging  
 1420 area, or at another area specifically authorized by the  
 1421 department, may be managed at a permitted construction and

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demolition debris disposal or recycling facility upon approval by  
the department of the methods and operational practices used to  
inspect the waste during segregation.

(4) Unsalvageable refrigerators and freezers containing  
solid waste, such as rotting food, which may create a sanitary  
nuisance may be disposed of in a permitted lined landfill;  
however, chlorofluorocarbons and capacitors must be removed and  
recycled to the greatest extent practicable using techniques and  
personnel meeting relevant federal requirements.

(5) Local governments may conduct the burning of storm-  
generated yard trash and other vegetative debris in air-curtain  
incinerators without prior notice to the department. Demolition  
debris may also be burned in air-curtain incinerators if the  
material is limited to untreated wood. Within 10 days after  
commencing such burning, the local government shall notify the  
department in writing describing the general nature of the  
materials burned; the location and method of burning; and the  
name, address, and telephone number of the representative of the  
local government to contact concerning the work. The operator of  
the air-curtain incinerator is subject to any requirement to  
obtain an open-burning authorization from the Division of  
Forestry or any other agency empowered to grant such  
authorization.

Section 16. Section 403.708, Florida Statutes, is amended  
to read:

403.708 Prohibition; penalty.--

(1) No person shall:

(a) Place or deposit any solid waste in or on the land or  
waters located within the state except in a manner approved by

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the department and consistent with applicable approved programs of counties or municipalities. However, nothing in this act shall be construed to prohibit the disposal of solid waste without a permit as provided in s. 403.707(2).

(b) Burn solid waste except in a manner prescribed by the department and consistent with applicable approved programs of counties or municipalities.

(c) Construct, alter, modify, or operate a solid waste management facility or site without first having obtained from the department any permit required by s. 403.707.

(2) No beverage shall be sold or offered for sale within the state in a beverage container designed and constructed so that the container is opened by detaching a metal ring or tab.

(3) For purposes of subsections (2), (9), and (10):

~~(a) "Degradable," with respect to any material, means that such material, after being discarded, is capable of decomposing to components other than heavy metals or other toxic substances, after exposure to bacteria, light, or outdoor elements.~~

(a) ~~(b)~~ "Beverage" means soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drinks; soft drinks, whether or not carbonated; beer, ale, or other malt drink of whatever alcoholic content; or a mixed wine drink or a mixed spirit drink.

(b) ~~(e)~~ "Beverage container" means an airtight container which at the time of sale contains 1 gallon or less of a beverage, or the metric equivalent of 1 gallon or less, and which is composed of metal, plastic, or glass or a combination thereof.

(4) The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may impose a

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1480 fine of not more than \$100 on any person currently licensed  
1481 pursuant to s. 561.14 for each violation of the provisions of  
1482 subsection (2). If the violation is of a continuing nature, each  
1483 day during which such violation occurs shall constitute a  
1484 separate and distinct offense and shall be subject to a separate  
1485 fine.

1486       (5) The Department of Agriculture and Consumer Services may  
1487 impose a fine of not more than \$100 on any person not currently  
1488 licensed pursuant to s. 561.14 for each violation of the  
1489 provisions of subsection (2). If the violation is of a continuing  
1490 nature, each day during which such violation occurs shall  
1491 constitute a separate and distinct offense and shall be subject  
1492 to a separate fine.

1493       (6) Fifty percent of each fine collected pursuant to  
1494 subsections (4) and (5) shall be deposited into the Solid Waste  
1495 Management Trust Fund. The balance of fines collected pursuant to  
1496 subsection (4) shall be deposited into the Alcoholic Beverage and  
1497 Tobacco Trust Fund for the use of the division for inspection and  
1498 enforcement of the provisions of this section. The balance of  
1499 fines collected pursuant to subsection (5) shall be deposited  
1500 into the General Inspection Trust Fund for the use of the  
1501 Department of Agriculture and Consumer Services for inspection  
1502 and enforcement of the provisions of this section.

1503       (7) The Division of Alcoholic Beverages and Tobacco and the  
1504 Department of Agriculture and Consumer Services shall coordinate  
1505 their responsibilities under the provisions of this section to  
1506 ensure that inspections and enforcement are accomplished in an  
1507 efficient, cost-effective manner.

1508       (8) A person may not distribute, sell, or expose for sale

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1509 in this state any plastic bottle or rigid container intended for  
 1510 single use unless such container has a molded label indicating  
 1511 the plastic resin used to produce the plastic container. The  
 1512 label must appear on or near the bottom of the plastic container  
 1513 product and be clearly visible. This label must consist of a  
 1514 number placed inside a triangle and letters placed below the  
 1515 triangle. The triangle must be equilateral and must be formed by  
 1516 three arrows, and, in the middle of each arrow, there must be a  
 1517 rounded bend that forms one apex of the triangle. The pointer, or  
 1518 arrowhead, of each arrow must be at the midpoint of a side of the  
 1519 triangle, and a short gap must separate each pointer from the  
 1520 base of the adjacent arrow. The three curved arrows that form the  
 1521 triangle must depict a clockwise path around the code number.  
 1522 Plastic bottles of less than 16 ounces, rigid plastic containers  
 1523 of less than 8 ounces, and plastic casings on lead-acid storage  
 1524 batteries are not required to be labeled under this section. The  
 1525 numbers and letters must be as follows:

1526       (a) For polyethylene terephthalate, the letters "PETE" and  
 1527 the number 1.

1528       (b) For high-density polyethylene, the letters "HDPE" and  
 1529 the number 2.

1530       (c) For vinyl, the letter "V" and the number 3.

1531       (d) For low-density polyethylene, the letters "LDPE" and  
 1532 the number 4.

1533       (e) For polypropylene, the letters "PP" and the number 5.

1534       (f) For polystyrene, the letters "PS" and the number 6.

1535       (g) For any other, the letters "OTHER" and the number 7.

1536       (9) No person shall distribute, sell, or expose for sale in  
 1537 this state any product packaged in a container or packing

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material manufactured with fully halogenated chlorofluorocarbons (CFC). Producers of containers or packing material manufactured with chlorofluorocarbons (CFC) are urged to introduce alternative packaging materials which are environmentally compatible.

(10) The packaging of products manufactured or sold in the state may not be controlled by governmental rule, regulation, or ordinance adopted after March 1, 1974, other than as expressly provided in this act.

(11) Violations of this part or rules, regulations, permits, or orders issued thereunder by the department and violations of approved local programs of counties or municipalities or rules, regulations, or orders issued thereunder shall be punishable by a civil penalty as provided in s. 403.141.

(12) The department or any county or municipality may also seek to enjoin the violation of, or enforce compliance with, this part or any program adopted hereunder as provided in s. 403.131.

(13) In accordance with the following schedule, no person who knows or who should know of the nature of such solid waste shall dispose of such solid waste in landfills:

(a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid batteries also may ~~shall~~ not be disposed of in any waste-to-energy facility ~~after January 1, 1989~~. To encourage proper collection and recycling, all persons who sell lead-acid batteries at retail shall accept used lead-acid batteries as trade-ins for new lead-acid batteries.

(b) Used oil, ~~after October 1, 1988~~.

(c) Yard trash, ~~after January 1, 1992~~, except in lined ~~unlined~~ landfills classified by department rule as Class I ~~landfills~~. Yard trash that is source separated from solid waste

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may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities. The department recognizes that incidental amounts of yard trash may be disposed of in Class I lined landfills. In any enforcement action taken pursuant to this paragraph, the department shall consider the difficulty of removing incidental amounts of yard trash from a mixed solid waste stream.

(d) White goods, ~~after January 1, 1990.~~

~~Prior to the effective dates specified in paragraphs (a) (d), the department shall identify and assist in developing alternative disposal, processing, or recycling options for the solid wastes identified in paragraphs (a) (d).~~

Section 17. Section 403.709, Florida Statutes, is amended to read:

403.709 Solid Waste Management Trust Fund; use of waste tire fees.--There is created the Solid Waste Management Trust Fund, to be administered by the department.

(1) From The annual revenues deposited in the trust fund, unless otherwise specified in the General Appropriations Act, shall be used for the following purposes:

(a)(1) ~~Up to 40 percent shall be used for~~ Funding solid waste activities of the department and other state agencies, such as providing technical assistance to local governments and the private sector, performing solid waste regulatory and enforcement functions, preparing solid waste documents, and implementing solid waste education programs.

(b)(2) ~~Up to 4.5 percent shall be used for~~ Funding research and training programs relating to solid waste management through

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the Center for Solid and Hazardous Waste Management and other organizations which can reasonably demonstrate the capability to carry out such projects.

~~(c)(3) Up to 11 percent shall be used for~~ Funding to supplement any other funds provided to the Department of Agriculture and Consumer Services for mosquito control. This distribution shall be annually transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to be used for mosquito control, especially control of West Nile Virus.

~~(d)(4) Up to 4.5 percent shall be used for~~ Funding to the Department of Transportation for litter prevention and control programs ~~coordinated by Keep Florida Beautiful, Inc.~~

~~(e)(5) A minimum of 40 percent shall be used for~~ Funding a competitive and innovative grant program pursuant to s. 403.7095 for activities relating to recycling and reducing the volume of municipal solid waste, including waste tires requiring final disposal.

~~(2)(6)~~ The department shall recover to the use of the fund from the site owner or the person responsible for the accumulation of tires at the site, jointly and severally, all sums expended from the fund pursuant to this section to manage tires at an illegal waste tire site, except that the department may decline to pursue such recovery if it finds the amount involved too small or the likelihood of recovery too uncertain. If a court determines that the owner is unable or unwilling to comply with the rules adopted pursuant to this section or s. 403.717, the court may authorize the department to take possession and control of the waste tire site in order to protect



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the health, safety, and welfare of the community and the environment.

(3)~~(7)~~ The department may impose a lien on the real property on which the waste tire site is located and the waste tires equal to the estimated cost to bring the tire site into compliance, including attorney's fees and court costs. Any owner whose property has such a lien imposed may release her or his property from any lien claimed under this subsection by filing with the clerk of the circuit court a cash or surety bond, payable to the department in the amount of the estimated cost of bringing the tire site into compliance with department rules, including attorney's fees and court costs, or the value of the property after the abatement action is complete, whichever is less. No lien provided by this subsection shall continue for a period longer than 4 years after the completion of the abatement action unless within that time an action to enforce the lien is commenced in a court of competent jurisdiction. The department may take action to enforce the lien in the same manner used for construction liens under part I of chapter 713.

(4)~~(8)~~ This section does not limit the use of other remedies available to the department.

Section 18. Subsection (5) of section 403.7095, Florida Statutes, is amended to read:

403.7095 Solid waste management grant program.--

(5) From the funds made available pursuant to s. 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by this section, the following distributions shall be made:

(a) Up to 15 percent for the program described in subsection (1);

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(b) Up to 35 percent for the program described in subsection (3); and

(c) Up to 50 percent for the program described in subsection (4).

Section 19. Section 403.7125, Florida Statutes, is amended to read:

403.7125 Financial assurance for closure ~~Landfill management escrow account.~~ --

~~(1) As used in this section:~~

~~(a) "Landfill" means any solid waste land disposal area for which a permit, other than a general permit, is required by s. 403.707 that receives solid waste for disposal in or upon land other than a land-spreading site, injection well, or a surface impoundment.~~

~~(b) "Closure" means the ceasing operation of a landfill and securing such landfill so that it does not pose a significant threat to public health or the environment and includes long-term monitoring and maintenance of a landfill.~~

~~(c) "Owner or operator" means, in addition to the usual meanings of the term, any owner of record of any interest in land whereon a landfill is or has been located and any person or corporation which owns a majority interest in any other corporation which is the owner or operator of a landfill.~~

(1)(2) Every owner or operator of a landfill is jointly and severally liable for the improper operation and closure of the landfill, as provided by law. As used in this section, the term "owner or operator" means any owner of record of any interest in land wherein a landfill is or has been located and any person or corporation that owns a majority interest in any other

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1683 corporation that is the owner or operator of a landfill.

1684        (2)~~(3)~~ The owner or operator of a landfill owned or

1685 operated by a local or state government or the Federal Government

1686 shall establish a fee, or a surcharge on existing fees or other

1687 appropriate revenue-producing mechanism, to ensure the

1688 availability of financial resources for the proper closure of the

1689 landfill. However, the disposal of solid waste by persons on

1690 their own property, as described in s. 403.707(2), is exempt from

1691 the provisions of this section.

1692        (a) The revenue-producing mechanism must produce revenue at

1693 a rate sufficient to generate funds to meet state and federal

1694 landfill closure requirements.

1695        (b) The revenue shall be deposited in an interest-bearing

1696 escrow account to be held and administered by the owner or

1697 operator. The owner or operator shall file with the department an

1698 annual audit of the account. The audit shall be conducted by an

1699 independent certified public accountant. Failure to collect or

1700 report such revenue, except as allowed in subsection (3) ~~(4)~~, is

1701 a noncriminal violation punishable by a fine of not more than

1702 \$5,000 for each offense. The owner or operator may make

1703 expenditures from the account and its accumulated interest only

1704 for the purpose of landfill closure and, if such expenditures do

1705 not deplete the fund to the detriment of eventual closure, for

1706 planning and construction of resource recovery or landfill

1707 facilities. Any moneys remaining in the account after paying for

1708 proper and complete closure, as determined by the department,

1709 shall, if the owner or operator does not operate a landfill, be

1710 deposited by the owner or operator into the general fund or the

1711 appropriate solid waste fund of the local government of

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jurisdiction.

(c) The revenue generated under this subsection and any accumulated interest thereon may be applied to the payment of, or pledged as security for, the payment of revenue bonds issued in whole or in part for the purpose of complying with state and federal landfill closure requirements. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefor.

(d) The provisions of s. 212.055 that relate to raising of revenues for landfill closure or long-term maintenance do not relieve a landfill owner or operator from the obligations of this section.

(e) The owner or operator of any landfill that had established an escrow account in accordance with this section and the conditions of its permit prior to January 1, 2006, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a local or state government or the Federal Government.

(3)(4) An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide financial assurance to establish proof of financial responsibility with the department in lieu of the requirements of subsection (2) (3). An owner or operator of any other landfill, or any other solid waste management facility designated by department rule, shall provide financial assurance to the department for the closure of the facility. Such financial assurance proof may include surety bonds, certificates of

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1741 deposit, securities, letters of credit, or other documents  
 1742 showing that the owner or operator has sufficient financial  
 1743 resources to cover, at a minimum, the costs of complying with  
 1744 applicable ~~landfill~~ closure requirements. The owner or operator  
 1745 shall estimate such costs to the satisfaction of the department.  
 1746       (4)~~(5)~~ This section does not repeal, limit, or abrogate any  
 1747 other law authorizing local governments to fix, levy, or charge  
 1748 rates, fees, or charges for the purpose of complying with state  
 1749 and federal landfill closure requirements.  
 1750       (5)~~(6)~~ The department shall adopt rules to implement this  
 1751 section.  
 1752       Section 20. Section 403.716, Florida Statutes, is amended  
 1753 to read:  
 1754       403.716 Training of operators of solid waste management and  
 1755 other facilities.--  
 1756       (1) The department shall establish qualifications for, and  
 1757 encourage the development of training programs for, operators of  
 1758 landfills, coordinators of local recycling programs, ~~operators of~~  
 1759 ~~waste-to-energy facilities, biomedical waste incinerators, and~~  
 1760 ~~mobile soil thermal treatment units or facilities,~~ and operators  
 1761 of other solid waste management facilities.  
 1762       (2) The department shall work with accredited community  
 1763 colleges, career centers, state universities, and private  
 1764 institutions in developing educational materials, courses of  
 1765 study, and other such information to be made available for  
 1766 persons seeking to be trained as operators of solid waste  
 1767 management facilities.  
 1768       (3) A person may not perform the duties of an operator of a  
 1769 landfill, ~~or perform the duties of an operator of a waste-to-~~

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1770 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
 1771 ~~thermal treatment unit or facility,~~ unless she or he has  
 1772 completed an operator training course approved by the department  
 1773 or she or he has qualified as an interim operator in compliance  
 1774 with requirements established by the department by rule. An owner  
 1775 of a landfill, ~~waste to energy facility, biomedical waste~~  
 1776 ~~incinerator, or mobile soil thermal treatment unit or facility~~  
 1777 may not employ any person to perform the duties of an operator  
 1778 unless such person has completed an approved landfill, ~~waste to~~  
 1779 ~~energy facility, biomedical waste incinerator, or mobile soil~~  
 1780 ~~thermal treatment unit or facility~~ operator training course, as  
 1781 appropriate, or has qualified as an interim operator in  
 1782 compliance with requirements established by the department by  
 1783 rule. The department may establish by rule operator training  
 1784 requirements for other solid waste management facilities and  
 1785 facility operators.

1786       (4) The department has authority to adopt minimum standards  
 1787 and other rules pursuant to ss. 120.536(1) and 120.54 to  
 1788 implement the provisions of this section. The department shall  
 1789 ensure the safe, healthy, and lawful operation of solid waste  
 1790 management facilities in this state. The department may establish  
 1791 by rule various classifications for operators to cover the need  
 1792 for differing levels of training required to operate various  
 1793 types of solid waste management facilities due to different  
 1794 operating requirements at such facilities.

1795       (5) For purposes of this section, the term "operator" means  
 1796 any person, including the owner, who is principally engaged in,  
 1797 and is in charge of, the actual operation, supervision, and  
 1798 maintenance of a solid waste management facility and includes the

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1799 person in charge of a shift or period of operation during any  
1800 part of the day.

1801 Section 21. Section 403.717, Florida Statutes, is amended  
1802 to read:

1803 403.717 Waste tire and lead-acid battery requirements.--

1804 (1) For purposes of this section and ss. 403.718 and  
1805 403.7185:

1806 (a) "Department" means the Department of Environmental  
1807 Protection.

1808 (b) "Motor vehicle" means an automobile, motorcycle, truck,  
1809 trailer, semitrailer, truck tractor and semitrailer combination,  
1810 or any other vehicle operated in this state, used to transport  
1811 persons or property and propelled by power other than muscular  
1812 power, but the term does not include traction engines, road  
1813 rollers, such vehicles as run only upon a track, bicycles,  
1814 mopeds, or farm tractors and trailers.

1815 (c) "Tire" means a continuous solid or pneumatic rubber  
1816 covering encircling the wheel of a motor vehicle.

1817 (d) "Waste tire" means a tire that has been removed from a  
1818 motor vehicle and has not been retreaded or regrooved. "Waste  
1819 tire" includes, but is not limited to, used tires and processed  
1820 tires. The term does not include solid rubber tires and tires  
1821 that are inseparable from the rim.

1822 (e) "Waste tire collection center" means a site where waste  
1823 tires are collected from the public prior to being offered for  
1824 recycling and where fewer than 1,500 tires are kept on the site  
1825 on any given day.

1826 (f) "Waste tire processing facility" means a site where  
1827 equipment is used to treat waste tires mechanically, chemically,

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1828 or thermally so that the resulting material is a marketable  
 1829 product or is suitable for proper disposal ~~recapture reusable~~  
 1830 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~  
 1831 ~~waste tires so that they are no longer whole.~~ The term includes  
 1832 mobile waste tire processing equipment.

1833 (g) "Waste tire site" means a site at which 1,500 or more  
 1834 waste tires are accumulated.

1835 (h) "Lead-acid battery" means a ~~those~~ lead-acid battery  
 1836 ~~batteries~~ designed for use in motor vehicles, vessels, and  
 1837 aircraft, and includes such batteries when sold new as a  
 1838 component part of a motor vehicle, vessel, or aircraft, but not  
 1839 when sold to recycle components.

1840 (i) "Indoor" means within a structure that ~~which~~ excludes  
 1841 rain and public access and would control air flows in the event  
 1842 of a fire.

1843 (j) "Processed tire" means a tire that has been treated  
 1844 mechanically, chemically, or thermally so that the resulting  
 1845 material is a marketable product or is suitable for proper  
 1846 disposal.

1847 (k) "Used tire" means a waste tire which has a minimum  
 1848 tread depth of 3/32 inch or greater and is suitable for use on a  
 1849 motor vehicle.

1850 (2) The owner or operator of any waste tire site shall  
 1851 provide the department with information concerning the site's  
 1852 location, size, and the approximate number of waste tires that  
 1853 are accumulated at the site and shall initiate steps to comply  
 1854 with subsection (3).

1855 (3)(a) A person may not maintain a waste tire site unless  
 1856 such site is:



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1857           1. An integral part of the person's permitted waste tire  
1858 processing facility; or  
1859           2. Used for the storage of waste tires prior to processing  
1860 and is located at a permitted solid waste management facility.  
1861           (b) It is unlawful for any person to dispose of waste tires  
1862 or processed tires in the state except at a permitted solid waste  
1863 management facility. Collection or storage of waste tires at a  
1864 permitted waste tire processing facility or waste tire collection  
1865 center prior to processing or use does not constitute disposal,  
1866 provided that the collection and storage complies with rules  
1867 established by the department.  
1868           (c) Whole waste tires may not be deposited in a landfill as  
1869 a method of ultimate disposal.  
1870           (d) A person may not contract with a waste tire collector  
1871 for the transportation, disposal, or processing of waste tires  
1872 unless the collector is registered with the department or exempt  
1873 from requirements provided under this section. Any person who  
1874 contracts with a waste tire collector for the transportation of  
1875 more than 25 waste tires per month from a single business  
1876 location must maintain records for that location and make them  
1877 available for review by the department or by law enforcement  
1878 officers, which records must contain the date when the tires were  
1879 transported, the quantity of tires, the registration number of  
1880 the collector, and the name of the driver.  
1881           (4) The department shall adopt rules to carry out the  
1882 provisions of this section and s. 403.718. Such rules shall:  
1883           (a) Provide for the administration or revocation of waste  
1884 tire processing facility permits, including mobile processor  
1885 permits;

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1886           (b) Provide for the administration or revocation of waste  
1887       tire collector registrations, the fees for which may not exceed  
1888       \$50 per vehicle registered annually;  
1889           (c) Provide for the administration or revocation of waste  
1890       tire collection center permits, the fee for which may not exceed  
1891       \$250 annually;  
1892           (d) Set standards, including financial assurance standards,  
1893       for waste tire processing facilities and associated waste tire  
1894       sites, waste tire collection centers, waste tire collectors, and  
1895       for the storage of waste tires and processed tires, including  
1896       storage indoors;  
1897           (e) The department may by rule exempt not-for-hire waste  
1898       tire collectors and processing facilities from financial  
1899       assurance requirements;  
1900           (f) Authorize the final disposal of waste tires at a  
1901       permitted solid waste disposal facility provided the tires have  
1902       been cut into sufficiently small parts to assure their proper  
1903       disposal; and  
1904           (g) Allow waste tire material which has been cut into  
1905       sufficiently small parts to be used as daily cover material for a  
1906       landfill.  
1907       ~~(5) A permit is not required for tire storage at:~~  
1908       ~~(a) A tire retreading business where fewer than 1,500 waste~~  
1909       ~~tires are kept on the business premises;~~  
1910       ~~(b) A business that, in the ordinary course of business,~~  
1911       ~~removes tires from motor vehicles if fewer than 1,500 of these~~  
1912       ~~tires are kept on the business premises; or~~  
1913       ~~(c) A retail tire selling business which is serving as a~~  
1914       ~~waste tire collection center if fewer than 1,500 waste tires are~~

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1915 ~~kept on the business premises.~~

1916        (5)~~(6)~~ (a) The department shall encourage the voluntary  
1917 establishment of waste tire collection centers at retail tire-  
1918 selling businesses, waste tire processing facilities, and solid  
1919 waste disposal facilities, to be open to the public for the  
1920 deposit of waste tires.

1921        (b) The department is authorized to establish an incentives  
1922 program for individuals to encourage them to return their waste  
1923 tires to a waste tire collection center. The incentives used by  
1924 the department may involve the use of discount or prize coupons,  
1925 prize drawings, promotional giveaways, or other activities the  
1926 department determines will promote collection, reuse, volume  
1927 reduction, and proper disposal of waste tires.

1928        (c) The department may contract with a promotion company to  
1929 administer the incentives program.

1930        Section 22. Section 403.7221, Florida Statutes, is  
1931 transferred, renumbered as section 403.70715, Florida Statutes,  
1932 and amended to read:

1933        403.70715 ~~403.7221~~ Research, development, and demonstration  
1934 permits.--

1935        (1) The department may issue a research, development, and  
1936 demonstration permit to the owner or operator of any solid waste  
1937 management facility, including any hazardous waste management  
1938 facility, who proposes to utilize an innovative and experimental  
1939 solid waste treatment technology or process for which permit  
1940 standards have not been promulgated. Permits shall:

1941        (a) Provide for construction and operation of the facility  
1942 for not longer than 3 years ~~1 year~~, renewable no more than 3  
1943 times.

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1944           (b) Provide for the receipt and treatment by the facility  
1945 of only those types and quantities of solid waste which the  
1946 department deems necessary for purposes of determining the  
1947 performance capabilities of the technology or process and the  
1948 effects of such technology or process on human health and the  
1949 environment.

1950           (c) Include requirements the department deems necessary  
1951 which may include monitoring, operation, testing, financial  
1952 responsibility, closure, and remedial action.

1953           (2) The department may apply the criteria set forth in this  
1954 section in establishing the conditions of each permit without  
1955 separate establishment of rules implementing such criteria.

1956           (3) For the purpose of expediting review and issuance of  
1957 permits under this section, the department may, consistent with  
1958 the protection of human health and the environment, modify or  
1959 waive permit application and permit issuance requirements, except  
1960 that there shall be no modification or waiver of regulations  
1961 regarding financial responsibility or of procedures established  
1962 regarding public participation.

1963           (4) The department may order an immediate termination of  
1964 all operations at the facility at any time upon a determination  
1965 that termination is necessary to protect human health and the  
1966 environment.

1967           Section 23. Subsection (2) of section 403.201, Florida  
1968 Statutes, is amended to read:

1969           403.201 Variances.--

1970           (2) No variance shall be granted from any provision or  
1971 requirement concerning discharges of waste into waters of the  
1972 state or hazardous waste management which would result in the

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1973 provision or requirement being less stringent than a comparable  
1974 federal provision or requirement, except as provided in s.  
1975 403.70715 ~~s. 403.7221~~.

1976 Section 24. Section 403.722, Florida Statutes, is amended  
1977 to read:

1978 403.722 Permits; hazardous waste disposal, storage, and  
1979 treatment facilities.--

1980 (1) Each person who intends to or is required to construct,  
1981 modify, operate, or close a hazardous waste disposal, storage, or  
1982 treatment facility shall obtain a construction permit, operation  
1983 permit, postclosure permit, clean closure plan approval, or  
1984 corrective action permit from the department prior to  
1985 constructing, modifying, operating, or closing the facility. By  
1986 rule, the department may provide for the issuance of a single  
1987 permit instead of any two or more hazardous waste facility  
1988 permits.

1989 (2) Any owner or operator of a hazardous waste facility in  
1990 operation on the effective date of the department rule listing  
1991 and identifying hazardous wastes shall file an application for a  
1992 temporary operation permit within 6 months after the effective  
1993 date of such rule. The department, upon receipt of a properly  
1994 completed application, shall identify any department rules which  
1995 are being violated by the facility and shall establish a  
1996 compliance schedule. However, if the department determines that  
1997 an imminent hazard exists, the department may take any necessary  
1998 action pursuant to s. 403.726 to abate the hazard. The department  
1999 shall issue a temporary operation permit to such facility within  
2000 the time constraints of s. 120.60 upon submission of a properly  
2001 completed application which is in conformance with this

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2002 subsection. Temporary operation permits for such facilities shall  
2003 be issued for up to 3 years only. Upon termination of the  
2004 temporary operation permit and upon proper application by the  
2005 facility owner or operator, the department shall issue an  
2006 operation permit for such existing facilities if the applicant  
2007 has corrected all of the deficiencies identified in the temporary  
2008 operation permit and is in compliance with all other rules  
2009 adopted pursuant to this act.

2010 (3) ~~Permit~~ Applicants shall provide any information that  
2011 ~~which~~ will enable the department to determine that the proposed  
2012 construction, modification, operation, ~~or~~ closure, or corrective  
2013 action will comply with this act and any applicable rules. In no  
2014 instance shall any person construct, modify, operate, or close a  
2015 facility or perform corrective actions at a facility in  
2016 contravention of the standards, requirements, or criteria for a  
2017 hazardous waste facility. Authorizations ~~Permits~~ issued under  
2018 this section may include any permit conditions necessary to  
2019 achieve compliance with applicable hazardous waste rules and  
2020 necessary to protect human health and the environment.

2021 (4) The department may require, in an ~~a permit~~ application,  
2022 submission of information concerning matters specified in s.  
2023 403.721(6) as well as information respecting:

2024 (a) Estimates of the composition, quantity, and  
2025 concentration of any hazardous waste identified or listed under  
2026 this act or combinations of any such waste and any other solid  
2027 waste, ~~proposed to be disposed of, treated, transported, or~~  
2028 stored and the time, frequency, or rate at which such waste is  
2029 proposed to be disposed of, treated, transported, or stored; and

2030 (b) The site to which such hazardous waste or the products

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of treatment of such hazardous waste will be transported and at which it will be disposed of, treated, or stored.

(5) An authorization ~~A permit~~ issued pursuant to this section is not a vested right. The department may revoke or modify any such authorization ~~permit~~.

(a) Authorizations ~~Permits~~ may be revoked for failure of the holder to comply with the provisions of this act, the terms of the authorization ~~permit~~, the standards, requirements, or criteria adopted pursuant to this act, or an order of the department; for refusal by the holder to allow lawful inspection; for submission by the holder of false or inaccurate information in the permit application; or if necessary to protect the public health or the environment.

(b) Authorizations ~~Permits~~ may be modified, upon request of the holder ~~permittee~~, if such modification is not in violation of this act or department rules or if the department finds the modification necessary to enable the facility to remain in compliance with this act and department rules.

(c) An owner or operator of a hazardous waste facility in existence on the effective date of a department rule changing an exemption or listing and identifying the hazardous wastes that ~~which~~ require that facility to be permitted who notifies the department pursuant to s. 403.72, and who has applied for a permit pursuant to subsection (2), may continue to operate until ~~be~~ issued a temporary operation permit. If such owner or operator intends to or is required to discontinue operation, the temporary operation permit must include final closure conditions.

(6) A hazardous waste facility permit issued pursuant to this section shall satisfy the permit requirements of s.

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2060 403.707(1). The permit exemptions provided in s. 403.707(2) shall  
2061 not apply to hazardous waste.

2062 (7) The department may establish ~~permit~~ application  
2063 procedures for hazardous waste facilities, which procedures may  
2064 vary based on differences in amounts, types, and concentrations  
2065 of hazardous waste and on differences in the size and location of  
2066 facilities and which procedures may take into account permitting  
2067 procedures of other laws not in conflict with this act.

2068 (8) For authorizations ~~permits~~ required by this section,  
2069 the department may require that a fee be paid and may establish,  
2070 by rule, a fee schedule based on the degree of hazard and the  
2071 amount and type of hazardous waste disposed of, stored, or  
2072 treated at the facility.

2073 (9) It shall not be a requirement for the issuance of ~~such~~  
2074 a hazardous waste authorization ~~permit~~ that the facility complies  
2075 with an adopted local government comprehensive plan, local land  
2076 use ordinances, zoning ordinances or regulations, or other local  
2077 ordinances. However, such an authorization ~~a permit~~ issued by the  
2078 department shall not override adopted local government  
2079 comprehensive plans, local land use ordinances, zoning ordinances  
2080 or regulations, or other local ordinances.

2081 (10) Notwithstanding ss. 120.60(1) and 403.815:

2082 (a) The time specified by law for permit review shall be  
2083 tolled by the request of the department for publication of notice  
2084 of proposed agency action to issue a permit for a hazardous waste  
2085 treatment, storage, or disposal facility and shall resume 45 days  
2086 after receipt by the department of proof of publication. If,  
2087 within 45 days after publication of the notice of the proposed  
2088 agency action, the department receives written notice of



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2089	opposition to the intention of the agency to issue such permit		
2090	and receives a request for a hearing, the department shall		
2091	provide for a hearing pursuant to ss. 120.569 and 120.57, if		
2092	requested by a substantially affected party, or an informal		
2093	public meeting, if requested by any other person. The failure to		
2094	request a hearing within 45 days after publication of the notice		
2095	of the proposed agency action constitutes a waiver of the right		
2096	to a hearing under ss. 120.569 and 120.57. The permit review time		
2097	period shall continue to be tolled until the completion of such		
2098	hearing or meeting and shall resume within 15 days after		
2099	conclusion of a public hearing held on the application or within		
2100	45 days after the recommended order is submitted to the agency		
2101	and the parties, whichever is later.		

2102	(b) Within 60 days after receipt of an application for a		
2103	hazardous waste facility permit, the department shall examine the		
2104	application, notify the applicant of any apparent errors or		
2105	omissions, and request any additional information the department		
2106	is permitted by law to require. The failure to correct an error		
2107	or omission or to supply additional information shall not be		
2108	grounds for denial of the permit unless the department timely		
2109	notified the applicant within the 60-day period, except that this		
2110	paragraph does not prevent the department from denying an		
2111	application if the department does not possess sufficient		
2112	information to ensure that the facility is in compliance with		
2113	applicable statutes and rules.		

2114	(c) The department shall approve or deny each hazardous		
2115	waste facility permit within 135 days after receipt of the		
2116	original application or after receipt of the requested additional		
2117	information or correction of errors or omissions. However, the		

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2118 failure of the department to approve or deny within the 135-day  
 2119 time period does not result in the automatic approval or denial  
 2120 of the permit and does not prevent the inclusion of specific  
 2121 permit conditions which are necessary to ensure compliance with  
 2122 applicable statutes and rules. If the department fails to approve  
 2123 or deny the permit within the 135-day period, the applicant may  
 2124 petition for a writ of mandamus to compel the department to act  
 2125 consistently with applicable regulatory requirements.

2126       (11) Hazardous waste facility operation permits shall be  
 2127 issued for no more than 5 years.

2128       (12) On the same day of filing with the department of an  
 2129 application for a permit for the construction modification, or  
 2130 operation of a hazardous waste facility, the applicant shall  
 2131 notify each city and county within 1 mile of the facility of the  
 2132 filing of the application and shall publish notice of the filing  
 2133 of the application. The applicant shall publish a second notice  
 2134 of the filing within 14 days after the date of filing. Each  
 2135 notice shall be published in a newspaper of general circulation  
 2136 in the county in which the facility is located or is proposed to  
 2137 be located. Notwithstanding the provisions of chapter 50, for  
 2138 purposes of this section, a "newspaper of general circulation"  
 2139 shall be the newspaper within the county in which the  
 2140 installation or facility is proposed which has the largest daily  
 2141 circulation in that county and has its principal office in that  
 2142 county. If the newspaper with the largest daily circulation has  
 2143 its principal office outside the county, the notice shall appear  
 2144 in both the newspaper with the largest daily circulation in that  
 2145 county, and a newspaper authorized to publish legal notices in  
 2146 that county. The notice shall contain:

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2147           (a)   The name of the applicant and a brief description of  
2148 the project and its location.

2149           (b)   The location of the application file and when it is  
2150 available for public inspection.

2151  
2152 The notice shall be prepared by the applicant and shall comply  
2153 with the following format:

2154  
2155                               Notice of Application

2156  
2157 The Department of Environmental Protection announces receipt of  
2158 an application for a permit from (name of applicant) to (brief  
2159 description of project). This proposed project will be located at  
2160 (location) in (county) (city).

2161  
2162 This application is being processed and is available for public  
2163 inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,  
2164 Monday through Friday, except legal holidays, at (name and  
2165 address of office).

2166  
2167           (13)   A permit for the construction, modification, or  
2168 operation of a hazardous waste facility which initially was  
2169 issued under authority of this section, may not be transferred by  
2170 the permittee to any other entity, except in conformity with the  
2171 requirements of this subsection.

2172           (a)   At least 30 days prior to the sale or legal transfer of  
2173 a permitted facility, the permittee shall file with the  
2174 department an application for transfer of the permits on such  
2175 form as the department shall establish by rule. The form must be

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2176 completed with the notarized signatures of both the transferring  
2177 permittee and the proposed permittee.

2178       (b) The department shall approve the transfer of a permit  
2179 unless it determines that the proposed permittee has not provided  
2180 reasonable assurances that the proposed permittee has the  
2181 administrative, technical, and financial capability to properly  
2182 satisfy the requirements and conditions of the permit, as  
2183 determined by department rule. The determination shall be limited  
2184 solely to the ability of the proposed permittee to comply with  
2185 the conditions of the existing permit, and it shall not concern  
2186 the adequacy of the permit conditions. If the department proposes  
2187 to deny the transfer, it shall provide both the transferring  
2188 permittee and the proposed permittee a written objection to such  
2189 transfer together with notice of a right to request a proceeding  
2190 on such determination under chapter 120.

2191       (c) Within 90 days after receiving a properly completed  
2192 application for transfer of permit, the department shall issue a  
2193 final determination. The department may toll the time for making  
2194 a determination on the transfer by notifying both the  
2195 transferring permittee and the proposed permittee that additional  
2196 information is required to adequately review the transfer  
2197 request. Such notification shall be served within 30 days after  
2198 receipt of an application for transfer of permit, completed  
2199 pursuant to paragraph (a). However, the failure of the department  
2200 to approve or deny within the 90-day time period does not result  
2201 in the automatic approval or denial of the transfer. If the  
2202 department fails to approve or deny the transfer within the 90-  
2203 day period, the applicant may petition for a writ of mandamus to  
2204 compel the department to act consistently with applicable

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2205 regulatory requirements.

2206       (d) The transferring permittee is encouraged to apply for a

2207 permit transfer well in advance of the sale or legal transfer of

2208 a permitted facility. However, the transfer or the permit shall

2209 not be effective prior to the sale or legal transfer of the

2210 facility.

2211       (e) Until the transfer of the permit is approved by the

2212 department, the transferring permittee and any other person

2213 constructing, operating, or maintaining the permitted facility

2214 shall be liable for compliance with the terms of the permit.

2215 Nothing in this section shall relieve the transferring permittee

2216 of liability for corrective actions that may be required as a

2217 result of any violations occurring prior to the legal transfer of

2218 the permit.

2219       Section 25. Subsection (2) of section 403.7226, Florida

2220 Statutes, is amended to read:

2221       403.7226 Technical assistance by the department.--The

2222 department shall:

2223       (2) Identify short-term needs and long-term needs for

2224 hazardous waste management for the state on the basis of the

2225 information gathered through the local hazardous waste management

2226 assessments and other information from state and federal

2227 regulatory agencies and sources. The state needs assessment must

2228 be ongoing and must be updated when new data concerning waste

2229 generation and waste management technologies become available.

2230 ~~The department shall annually send a copy of this assessment to~~

2231 ~~the Governor and to the Legislature.~~

2232       Section 26. Subsection (3) of section 403.724, Florida

2233 Statutes, is amended to read:

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2234 403.724 Financial responsibility.--

2235 (3) The amount of financial responsibility required shall

2236 be approved by the department upon each issuance, renewal, or

2237 modification of a hazardous waste facility authorization ~~permit~~.

2238 Such factors as inflation rates and changes in operation may be

2239 considered when approving financial responsibility for the

2240 duration of the authorization ~~permit~~. The Office of Insurance

2241 Regulation of the Department of Financial Services ~~Commission~~

2242 shall be available to assist the department in making this

2243 determination. In approving or modifying the amount of financial

2244 responsibility, the department shall consider:

2245 (a) The amount and type of hazardous waste involved;

2246 (b) The probable damage to human health and the

2247 environment;

2248 (c) The danger and probable damage to private and public

2249 property near the facility;

2250 (d) The probable time that the hazardous waste and facility

2251 involved will endanger the public health, safety, and welfare or

2252 the environment; and

2253 (e) The probable costs of properly closing the facility and

2254 performing corrective action.

2255 Section 27. Section 403.7255, Florida Statutes, is amended

2256 to read:

2257 403.7255 Placement of signs ~~Department to adopt rules~~--

2258 (1) ~~The department shall adopt rules which establish~~

2259 ~~requirements and procedures for the placement of Signs must be~~

2260 placed by the owner or operator at sites which may have been

2261 ~~contaminated by hazardous wastes. Sites shall include any site in~~

2262 the state which ~~that~~ is listed or proposed for listing on the

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2263 Superfund Site List of the United States Environmental Protection  
 2264 Agency or any site identified by the department as a ~~suspected or~~  
 2265 ~~confirmed contaminated~~ site contaminated by hazardous waste where  
 2266 there ~~is~~ ~~may be~~ a risk of exposure to the public. The  
 2267 requirements of this section shall not apply to sites reported  
 2268 under ss. 376.3071 and 376.3072. The department shall establish  
 2269 requirements and procedures for the placement of signs, and may  
 2270 do so in rules, permits, orders, or other authorizations. The  
 2271 authorization ~~rules~~ shall establish the appropriate size for such  
 2272 signs, which size shall be no smaller than 2 feet by 2 feet, and  
 2273 shall provide in clearly legible print appropriate warning  
 2274 language for the waste or other materials at the site and a  
 2275 telephone number which may be called for further information.

2276 (2) Violations of this act are punishable as provided in s.  
 2277 403.161(4).

2278 (3) The provisions of this act are independent of and  
 2279 cumulative to any other requirements and remedies in this chapter  
 2280 or chapter 376, or any rules promulgated thereunder.

2281 Section 28. Subsection (5) of section 403.726, Florida  
 2282 Statutes, is amended to read:

2283 403.726 Abatement of imminent hazard caused by hazardous  
 2284 substance.--

2285 (5) The department may issue a permit or order requiring  
 2286 prompt abatement of an imminent hazard.

2287 Section 29. Subsection (8) of section 403.7265, Florida  
 2288 Statutes, is amended to read:

2289 403.7265 Local hazardous waste collection program.--

2290 (8) The department has the authority to establish an  
 2291 additional local project grant program enabling a local hazardous

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2292	waste collection center grantee to receive funding for unique		
2293	projects that improve the collection and lower the incidence of		
2294	improper management of conditionally exempt or household		
2295	hazardous waste. Eligible local governments may receive up to		
2296	\$50,000 in grant funds for these unique and innovative projects,		
2297	provided they match <u>25 percent of</u> the grant amount. <u>If the</u>		
2298	<u>department finds that the project has statewide applicability and</u>		
2299	<u>immediate benefits to other local hazardous waste collection</u>		
2300	<u>programs in the state, matching funds are not required.</u> This		
2301	grant will not count toward the \$100,000 maximum grant amount for		
2302	development of a collection center.		
2303	Section 30. <u>Sections 403.7075, 403.756, 403.78, 403.781,</u>		
2304	<u>403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,</u>		
2305	<u>403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,</u>		
2306	<u>403.789, 403.7891, 403.7892, 403.7893, and 403.7895, Florida</u>		
2307	<u>Statutes, are repealed.</u>		
2308	Section 31. This act shall take effect July 1, 2006.		